

REMARKS

This application is submitted as a US National Stage application of PCT Application No. PCT/IL2004/000603, filed on July 6, 2004. The following amendments are based on the claims (claims 1-25) filed with PCT/IL2004/000603. Applicants respectfully request that the claims in the originally filed application be used as the basis for the present amendments.

The present application, after amendment, contains claims 1-29, of which claims 3, 4, 5, 12 and 22 are currently amended to remove multiple dependencies so that the claims conform to proper US practice. New claims 26-29 were added to incorporate subject matter that was previously contained in multiple dependent claims which are dependent on multiple dependent claims.


The present application is filed before the completion of International Preliminary Examination (in the EPO), since the applicants are anxious to receive an early issuance of the application as a patent. When the IPER is received, it will be forwarded to the Examiner for his information.

Applicants note with interest that US 5,065,515 to *Iderosa* was combined with WO 03/009976 to *Azar* and cited against claim 13 of the present application in the International Search Report and subsequent (non-final) Written Opinion. The Examiner indicated in the Written Opinion that the '515 patent does not teach heating the hair to greater than 50° C before cutting, as does the present application, and therefore combined it with the '976 publication. This is ineffective to construct an obviousness rejection because the '515 patent uses a heating element which is more like a bar than a wire (see element 15 of Fig. 3, column 3, lines 52-61). A metal bar of the type shown in the '515 cannot be heated to 50° C without burning the skin. As a result, the inventor of the '515 patent would not have desired to provide heating of his heating element to 50° C. However, a thin wire can be heated to 50° C without burning the skin, especially if the heat is pulsed or the wire is moving. This is one of the reasons why the present invention uses a wire. Therefore, not only are these two inventions patentably distinct from one another, the present invention is not obvious because the '515 does not teach or suggest heating to 50° C, as this would burn a user of the '515 patented device.

An examination on the merits is respectfully awaited.

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